

PATENT



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ATTY. DOCKET NO.: FDS-P10.1-US

MARK A. GARZIA, P.C.
A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE
BOOTHWYN, PA 19061-3735

ATTORNEY AT LAW
Admitted in PA and NJ
Registered Patent Attorney

Telephone: 610.485.9400
Facsimile: 610.485.7660
E-mail: mark@patentcounsel.net

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT	:	Jonathan D. Douglas et al.
TITLE	:	ESTIMATING EVAPORATOR AIRFLOW IN VAPOR COMPRESSION CYCLE COOLING EQUIPMENT
APPLN. NO.	:	10/614,598
FILING DATE	:	July 7, 2003
EXAMINER	:	Marc E. Norman
ART UNIT	:	3744
ATTORNEY DOCKET NO.	:	FDS-P10.1-RCE

TO: Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REINSTATEMENT AND RESUBMISSION OF A REQUEST FOR
CONTINUED EXAMINATION UNDER 37 CFR §1.114**

Sir:

Applicant received a Notice of Abandonment dated October 21, 2004, in the above-captioned application. The reason given by the U.S. Patent and Trademark (PTO) for issuing the Notice of Abandonment was Applicant's failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The PTO issued a Notice of Allowance and Fee due on June 8, 2004. The Notice of Allowance set a due date of September 8, 2004, for the payment of the issue fee and publication fee.

In response to the Notice of Allowance, Applicants submitted a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) using the PTO's Express Mailing procedures on July 2, 2004. As evidence that Applicants filed an RCE on July 2, 2004, enclosed are copies of the following:

- a) Express Mail Label EU887722995US bearing the U.S. Postal Service's (Boothwyn, PA) date stamp of July 2, 2004;
- b) U.S.P.S. Receipt that an envelope bearing Express Mail Label No. EU887722995US was submitted on July 2, 2004 at 3:12:04 PM totaling \$13.65; and
- c) self-addressed postcard dated stamped on July 2, 2004 by the U.S. Patent and Trademark Office confirming receipt of the seven documents listed thereon.

The date stamp on the postcard was smeared by rain water, yet is still legible and is *prima facie* evidence under 37 CFR § 1.10 that the documents were timely filed and received by the U.S. Patent and Trademark Office.

Applicants are re-submitting six documents which were clearly listed on the postcard bearing the U.S. PTO date stamp of July 2, 2004; the seventh document was the Credit Card charge form. Since the PTO charged Applicants' attorney's Discover Card the \$385 RCE fee on July 9, 2004, Applicants are not enclosing another copy of the Credit Card charge form herewith.

The six documents being resubmitted are as follows:

- 1) Certificate of Express Mailing (Label # EU887722995US), dated July 2, 2004
(1 pg.) and signed by the undersigned attorney;
- 2) Request for Continued Examination (RCE) Transmittal (1 pg.);
- 3) Information Disclosure Statement (5 pgs.);
- 4) Five Non-Patent documents;
- 5) Fee Transmittal for FY 2004 (1 pg.); and
- 6) PTO-1449 Form (4 pgs.).

All six documents listed above (and the seventh document, namely the Credit Card Charge Form) bear Express Mail No. EU887722995US in accordance with 37 CFR §1.10.

The Applicants respectfully submit that they properly responded to the Notice of Allowance by filing an RCE. The reason for filing the RCE was to submit an Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.114(c), the filing of an IDS is a proper submission when filing an RCE.

In summary, Applicants complied with 37 CFR §§ 1.10 and 1.114, the PTO acknowledged receipt of the RCE and IDS by date-stamping Applicants' self-addressed postcard that accompanied the RCE, and the PTO has charged the undersigned attorney's Discover Card the RCE fee. It is evident that abandonment occurred through no fault of Applicants.

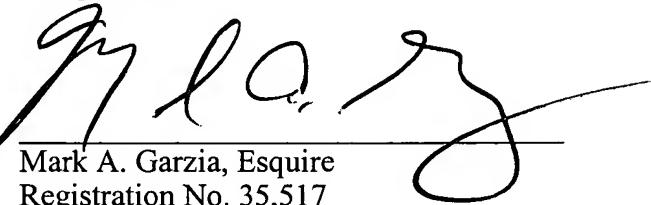
In view of the above, Applicants respectfully request that the holding of abandonment be withdrawn, that this application be reinstated, and that the application be returned to Examiner Mark E. Newman in Art Unit 3744, for consideration of the IDS and the documents listed on the accompanying four pages of Form PTO-1449.

Should the PTO have any questions regarding this communication, it is respectfully requested that they telephone the undersigned attorney in order to prevent any further delay in the prosecution of this application.

Respectfully submitted,

Douglas et al.

Date: 20 NOVEMBER 2004


Mark A. Garzia, Esquire
Registration No. 35,517
Attorney for Applicants

Law Offices of Mark A. Garzia
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

20 NOVEMBER 2004

Date


Mark A. Garzia

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Product Sale Unit Final
Description Oty Price Price

ALEXANDRIA VA 22313 \$13.65
Express Mail PO-ADD Flat
Rate
Serial Number EU887722995US
Next Day Noon / Normal
Delivery

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37c Art of Disney PSA 20 \$0.37 \$7.40

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PTO/SB/30 (09-03)

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Request for
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/614,598
Filing Date	July 7, 2003
First Named Inventor	DOUGLAS, Jonathan D.
Art Unit	3744
Examiner Name	Marc E. Norman
Attorney Docket Number	FDS-P10.1-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
ii. Other _____

b. Enclosed

- i. Amendment/Reply
ii. Affidavit(s)/ Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. Other _____

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____

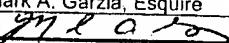
- i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other _____

- b. Check in the amount of \$ _____ enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

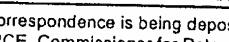
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark A. Garzia, Esquire	Registration No. (Attorney/Agent)	35,517
Signature		Date	2 JULY 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Mark A. Garzia, Esquire
Signature	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPRESS MAIL # EU8877.

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PTO/SB/17 (10-03)

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. This form is approved for use through 07/31/2006. OMB 0651-0032. U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 385

Complete if Known

Application Number	10/614,598
Filing Date	July 7, 2003
First Named Inventor	DOUGLAS, Jonathan D.
Examiner Name	Marc E. Norman
Art Unit	3744
Attorney Docket No.	FDS-P10.1-US

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
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 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1)		(\$) 0			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	14	Extra Claims	Fee from below	Fee Paid
Independent Claims	2	-20** = 0	0	0
Multiple Dependent		-3** = 0	0	0
				0

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)		(\$) 0			

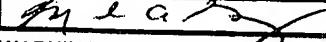
**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 420	2252 210	Extension for reply within second month			
1253 950	2253 475	Extension for reply within third month			
1254 1,480	2254 740	Extension for reply within fourth month			
1255 2,010	2255 1,005	Extension for reply within fifth month			
1401 330	2401 165	Notice of Appeal			
1402 330	2402 165	Filing a brief in support of an appeal			
1403 290	2403 145	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,330	2453 665	Petition to revive - unintentional			
1501 1,330	2501 665	Utility issue fee (or reissue)			
1502 480	2502 240	Design issue fee			
1503 640	2503 320	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))			
1801 770	2801 385	Request for Continued Examination (RCE)	385		
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)		(\$) 385			

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Mark A. Garzia	Registration No. (Attorney/Agent)	35,517	Telephone	610.485.9400
Signature				Date	2 JULY 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Appl # 10/614,598
Applicant: Jonathan D. Douglas et al.
Title: **ESTIMATING EVAPORATOR AIRFLOW IN VAPOR COMPRESSION CYCLE COOLING EQUIPMENT**

Filing Date: July 7, 2003
Atty. Dkt.: FDS-10.1-US

Kindly acknowledge receipt of the following documents by date stamping and returning this card to the attorney of record:

- 1) Certificate of Express Mailing (Label # EU887722995US), dated July 2, 2004
(1 pg.);
- 2) Request for Continued Examination (RCE) Transmittal (1 pg.);
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- 5) Fee Transmittal for FY 2004 (1 pg.);
- 6) PTO-1449 form (4 pgs.); and
- 7) Credit Card Payment Form charging \$385 (1 pg.).

Thank you.

EU 887722995 US

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ATTORNEY AT LAW
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TO: Mail Stop RCE
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P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. §1.10)

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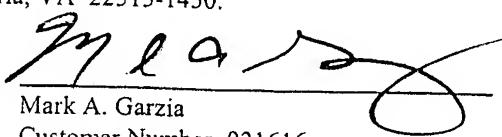
Date: July 2, 2004

I hereby certify that this Request for Continued Examination (RCE) application, including the following papers or fees:

- 1) Request for Continued Examination (RCE) Transmittal (1 pg.);
- 2) Information Disclosure Statement (5 pgs.);
- 3) PTO-1449 form (4 pgs.);
- 4) Five Non-Patent documents listed on PTO-1449 form;
- 5) Fee Transmittal for FY 2004 (1 pg.);
- 6) Credit Card Payment Form charging \$385 (1 pg.); and
- 7) Self-addressed, postage prepaid, postcard so the PTO can acknowledge receipt of this RCE Application.

is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10, postage prepaid, on the date indicated below and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2 JULY 2004



Mark A. Garzia
Customer Number: 021616